

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**JAMES M. GARDNER**

**PETITIONER**

**v.**

**No. 3:23CV159-MPM-JMV**

**STATE OF MISSISSIPPI, ET AL.**

**RESPONDENTS**

**ORDER GRANTING PETITIONER'S MOTION  
TO PROCEED *IN FORMA PAUPERIS* AND  
DIRECTING STATE TO RESPOND**

James M. Gardner has filed a petition for a writ of *habeas corpus* under 28 U.S.C. § 2241 and seeks to proceed *in forma pauperis*. It is **ORDERED**:

1. That the petitioner's application for leave to proceed *in forma pauperis* is **GRANTED**.
2. No later than October 25, 2023, the respondent, through the Attorney General of the State of Mississippi, must file his answer to this petition, along with full transcripts of all proceedings in the state courts of Mississippi arising from the April 7, 2022, revocation of the petitioner's parole in the Circuit Court of Panola County, Mississippi (to the extent such transcripts are relevant to the State's response).
3. Within 14 days of service upon him of a copy of respondent's answer, petitioner may file his traverse or reply to the allegations contained in such answer.
4. The clerk of this court will serve by email (Return Receipt, High Importance) a copy of the petition, this order, acknowledgment of service of process form, and any other initial filings, upon the Attorney General of the State of Mississippi, or the lawful successor, to Assistant Attorneys General Jerrolyn Owens and Bridgette Grant. The respondent must electronically file the completed acknowledgment of service of process form upon receipt.

Petitioner is warned that failure to keep this court informed of his current address could also lead to dismissal of his lawsuit.

**SO ORDERED**, this, the 14th day of August, 2023.

/s/ Jane M. Virden  
UNITED STATES MAGISTRATE JUDGE